

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE CASEY

*RECEIVED
AUG 09 2006
Clerk of the Court
NOT COMPLAINT
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The Mamma Mia! USA Tour 2 Limited
Partnership, a New York limited partnership,

06 CV 6079

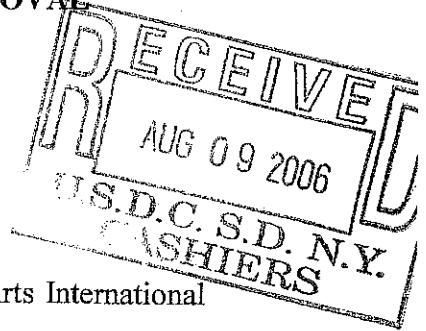
Petitioner,

-against-

Theatrical Arts International, Inc. and Theatrical
Arts International Foundation,

Respondents,

NOTICE OF
PETITION FOR
REMOVAL



Respondents Theatrical Arts International, Inc. and Theatrical Arts International Foundation (hereinafter "Respondents") seek the removal of this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, and respectfully shows this Honorable Court:

1. A petition to compel arbitration by order to show cause has been brought against respondents in the Supreme Court of the State of New York, County of New York, entitled *The Mamma Mia! USA Tour 2 Limited Partnership v. Theatrical Arts International, Inc. and Theatrical Arts International Foundation*, under Index No. 602724/06. Respondents exercise their rights under the provisions of 28 U.S.C. §§ 1332 and 1441 to remove this action from the Supreme Court of the State of New York, County of New York, in which this action is now pending, to the United States District Court for the Southern District of New York. Respondents reserve the right to amend or supplement this Notice of Petition for Removal.

2. Petitioners' Verified Petition to Compel Arbitration and Enjoin Respondents from Litigation (the "Petition") and Order to Show Cause were served by email on August 7, 2006. Annexed hereto as Exhibit "A" is a copy of the Petition. A copy of the Order to Show Cause is annexed hereto as Exhibit "B".

3. Upon information and belief, at the time of the filing of this Notice of Removal, and at the time of the commencement of this action:

- (a) The Petitioner, Mama Mia! USA Tour 2, Limited Partnership is a New York limited partnership with its principal place of business in New York City, New York, whose partners are citizens of the states of New York and Delaware and the jurisdictions of Sweden, the United Kingdom, Panama, and Canada.
- (b) Respondents Theatrical Arts International, Inc., and Theatrical Arts International Foundation are California corporations with their principal place of business in San Bernardino, California.

4. This is a petition to compel arbitration and enjoin a lawsuit now pending in the Superior Court of the State of California for the County of San Bernardino.

5. Respondents assert that complete diversity between all parties exists, and that this action is one over which this Court has original jurisdiction under provision of Title 28, United States Code §1332, and is one which may be removed to this Court by Respondents, pursuant to the provisions of Title 28, United States Code §1441, in that it is a civil action wherein the matter and controversy allegedly exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states.

6. Accordingly, this is a controversy between citizens of different states, and the controversy between the parties can be fully determined in this action.

7. Pursuant to 28 U.S.C. §1446(b), the Notice of Petition for Removal is hereby being filed within thirty (30) days after the receipt of a copy of the initial pleading and within the time that the defendant would be required to respond to the Petition.

WHEREFORE, Respondents Theatrical Arts International, Inc. and Theatrical Arts Foundation requests that the above action now pending against it in the Supreme Court of the State of New York, County of New York, be removed therefrom to this court.

Dated: New York, New York
August 9, 2006

Respectfully submitted,

By: 

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